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Message Text

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PAGE 01 STATE 063539

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ORIGIN L-03

INFO OCT-01 EUR-06 ADP-00 SCA-01 JUSE-00 BNDE-00 RSC-01

/012 R

DRAFTED BY L/ M/ SCA: JABOYD/ EJS
4/5/73 EXT 23062
APPROVED BY L/ M/ SCA: KEMALMBORG
JUSTICE: MRSTEIN (SUBS)
BNDD: JSTRICKLER (INFO)
EUR/ SPP: HYMCCOWN
---------- 122703
P 060007 Z APR 73
FM SECSTATE WASHDC
TO AMEMBASSY MADRID PRIORITY

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E. O. LL652, N/ A
TAGS: PFOR, CPRS, SNAR, SP
SUBJECT: EXTRADITION - MARIA ROSA MENIELA, AKA MARIA ROSA MENIELA DE TOSCANINO

1. EMBASSY IS INSTRUCTED ASAP TO REQUEST PROVISIONAL ARREST FOR EXTRADITION OF SUBJECT MARIA ROSA MENIELA PURSUANT TO THE PROCEDURE THEREFOR IN THE EXTRADITION TREATY BETWEEN SPAIN AND USA SIGNED IN 1904. WHEN MAKING REQUEST, EMBASSY SHOULD EMPHASIZE THAT SUBJECT WAS NOT PHYSICALLY WITHIN THE USA AT THE TIME OF THE ALLEGED CRIME. ABSENCE FROM THE TERRITORIAL CONFINES OF USA IS NOT REPEAT NOT A PROBLEM FOR USA IN THIS MATTER, BUT DEPT WISHES TO BRING THIS TO THE ATTENTION OF THE GOS AT THE OUTSET SO GOS MAY CONSIDER THIS FACT. DEPT DOES NOT REPEAT NOT BELIEVE THAT ABSENCE OF SUBJECT FROM TERRITORIAL CONFINES OF USA SHOULD CREATE PROBLEM FOR GOS.

2. SUBJECT WAS BORN OCTOBER 13, 1933 IN CASABLANCA, MOROCCO. HEIGHT 5 FT. 7 INCHES, WHITE, BLEACHED BLOND FEMALE, ROUND FACE, SMALL NOSE, WEARS EYEGLASSES OR
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CONTACTS. SUBJECT IS SAID TO BE CARRYING FRENCH PASSPORT AND AN ARGENTINIAN IDENTIFICATION DOCUMENT NUMBER 929-85591.

3. SUBJECT' S WHEREABOUTS ARE UNKNOWN AT THIS TIME BUT SHE IS TO MEET WITH DR. VENTURA MAYORAL, AN ATTORNEY, ON ON APRIL 6 OR 7 IN MADRID. SPANISH AUTHORITIES ARE REQUESTED TO CHECK WITH BNDD, CUSTOMS, AND INTERPOL WHO ARE FOLLOWING DR. MAYORAL TO ASCERTAIN SUBJECT' S WHERE-ABOUTS.

4. SUBJECT' S PROVISIONAL ARREST IS SOUGHT FOR HER CON-SPIRING TO IMPORT NARCOTICS (HEROIN) INTO USA. THE U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK ISSUED INDICTMENT 72 CR L345 ON DECEMBER 21, 1972. JUDGE JACOB MICHLER OF SAID COURT ISSUED A BENCH WARRANT FOR HER ARREST ON MARCH 28, 1973. SUBJECT IS CHARGED WITH CON-SPIRING TO IMPORT 8 KILOGRAMS OF HEROIN INTO USA DURING JULY 1, 1968, AND JULY 11, 1968, IN VIOLATION OF TITLE 21 OF US CODE SECTION 174 (PENALTIES FOR BRINGING NARCOTIC DRUGS INTO USA CONTRARY TO LAW). OVERT ACTS IN FURTHER-ANCE OF THE CONSPIRACY OCCURRED IN SOUTH AMERICA. NOTE THAT DEPT OF JUSTICE MAY REQUEST EXTRADITION ON THE BASIS OF OTHER INDICTMENTS IN ADDITION TO THOSE HERE LISTED.

5. EMBASSY IS INSTRUCTED TO REQUEST PROVISIONAL ARREST PURSUANT TO THE PROCEDURES SET FORTH IN THE ARTICLE XII OF THE 1904 TREATY. EMBASSY SHOULD INDICATE THAT USG WILL FOLLOW WITH FORMAL REQUEST FOR SUBJECT' S EXTRADITION AND SUPPORTING DOCUMENTATION WELL WITHIN REQUISITE TWO MONTH PERIOD. NOTE THAT 1904 TREATY DOES NOT INCLUDE NARCOTIC OFFENSES, BUT THAT DEPT BELIEVES THAT EXTRADITION CAN BE CARRIED OUT IN THIS CASE ON THE SAME BASIS AS EXTRADITION BY SPAIN OF EDUARDO JOSE POETA WHICH WAS REQUESTED BY USG IN 1970 AND APPROVED DECEMBER 1970 OR EARLY 1971. POETA HAD BEEN INDICTED IN THE EASTERN DISTRICT OF NEW YORK ON FEDERAL CHARGES OF UNLAWFULLY CONSPIRING TO IMPORT AND FACILITATE IN THE TRANSPORTATION OF HEROIN IN THE US. IN THE POETA CASE, THE SPANISH GOVERNMENT FOUND THAT POETA' S CRIME WAS SERIOUS UNDER BOTH SPANISH AND USA LAW AND THAT EXTRADITION WAS POSSIBLE UNDER SPANISH EXTRADITION LAW WHEN IMPLEMENTED IN CONJUNCTION WITH THE PROCEDURES SET

FORTH IN THE 1904 TREATY. AT SPANISH SUGGESTION, USG

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INCLUDED IN A DIPLOMATIC NOTE CONCERNING THE POETA CASE A REFERENCE TO THE 1961 UN CONFERENCE ON NARCOTICS, DRAWN UP AT UN HEADQUARTERS DURING A CONFERENCE HELD THERE FROM JANUARY 24 TO MARCH 25, 1961, WHICH CALLS FOR COOPERATION BETWEEN THE PARTIES THERETO IN COMBATTING ILLICIT DRUG TRAFFIC, AND USG DELETED ANY REFERENCE TO THE INABILITY OF THE USG TO EXTRADITE FOR UNLISTED YET SERIOUS CRIMES SUCH AS NARCOTIC TRAFFICKING. EMBASSY IS INSTRUCTED TO REQUEST SPANISH TO UNDERTAKE LIKE PROCEDURES IN THIS CASE TO FACILITATE PROVISIONAL ARREST AND EXTRADITION.

6. SUBJECT TAKES FLIGHT QUICKLY AND WITHOUT WARNING. SHE IS SAID TO HAVE TRAVELLED TO URUGUAY AND ITALY IN THE LAST TWO WEEKS.

7. ADVISE OF DEVELOPMENTS ON CONTINUING BASIS. IF ARREST IS MADE, ADVISE OF DATE OF ARREST AND BY WHEN EXTRADITION DOCUMENTS MUST BE SUBMITTED TO SPANISH OFFICIALS. ROGERS

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*** Current Classification *** LIMITED OFFICIAL USE

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Message Attributes

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Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: n/a
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TAGS: CPRS, PFOR, SNAR, SP, CPRS
To: MADRID
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